



S/N 10/758,689

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arvind Raman et al. Examiner: Anand Shashikant Rao
Serial No.: 10/758,689 Group Art Unit: 2621
Filed: January 15, 2004 Docket: 1864.004US1
Title: SYSTEM, METHOD, AND APPARATUS FOR ERROR CONCEALMENT IN
CODED VIDEO SIGNALS

**RENEWED PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the "Decision on Petition" (see enclosed copy), Applicants state that the said Notice mailed March 11, 2006 was not received. Change of correspondence was filed on July 13, 2007. A search of the file jacket and docket records indicates that the office communication was not received. A copy of the docket record where the non-received notice is stated is enclosed. Therefore the timely reply for the non-final office action was not filed. Applicants humbly request the Commissioner of Patents to take the enclosed documents on record and proceed with the further prosecution.

Applicants submit authorization to charge credit card in the amount of \$770.00 to cover the small entity fee for the requirement of the said petition.

Respectfully submitted,

ARVIND RAMAN et al.

By their Representatives,

GLOBAL IP SERVICES, PLLC,
198F, 27th Cross, 3rd Block,
Jayanagar, Bangalore 560 011,
INDIA

Date: April 12, 2008

By 

Prakash Nama
Reg. No. 44,255



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
1864.004US1

First named inventor: Arvind Raman

Application No.: 10/758,689

Art Unit: 2621

Filed: January 15, 2004

Examiner: ANAND SHASHIKANT RAO

Title: SYSTEM, METHOD, AND APPARATUS FOR ERROR CONCEALMENT IN CODED VIDEO SIGNALS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity-fee \$ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):
- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.
- B. The issue fee and publication fee (if applicable) of \$ _____.
- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

04/18/2008 AWONDAF1 00000075 10758689

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

April 12, 2008
Date

Prakash Nama
Typed or printed name

44,255
Registration Number, if applicable

10 Crestwood Lane
Address

603-888-7958
Telephone Number

Nashua, NH 03062
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Docket Record of Global IP Services, PLLC

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date _____

Signature

Typed or printed name of person signing certificate



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Matter	Edit Special Instructions Services		
Title:	SYSTEM, METHOD, AND APPARATUS FOR ERROR CONCEALMENT IN CODED VIDEO SIGNALS	File #:	1864.004US1
Type:	Utility - ORG	Country:	United States of America PTO
Client:	Ittiam Systems (P) Ltd.	Client File #:	
FIP ID:	97639	Publication Date:	Jul 21, 2005
Status:	Pending	Matter Entity Size:	Small
Date Filed:	Jan 15, 2004	Issue Date:	
Serial #:	10/758,689	Patent #:	
Prototype:	No	Default category prototype:	No

Created by: Tech FIP, May 5, 2004 Hosted By: Global IP Services PLLC

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Delete								Add	
<input type="checkbox"/>	Activity	Description/Comments	Status	Date 1	Date 2	Quick Links	Edit	Add	
<input type="checkbox"/>	Matter Management						Edit	-- Add --	
<input type="checkbox"/>	Non-Final Office Action Received	Document was downloaded from USPTO public pair	Completed	Date Received : 04/03/2008	Date Mailed : 11/03/2006		Edit	-- Add --	
<input type="checkbox"/>	Decision on Petition Received		Completed	Date Mailed : 03/07/2008	Date Received : 03/19/2008		Edit	-- Add --	
<input type="checkbox"/>	Renewed Petition		Completed	Date Entered : 02/07/2008			Edit	-- Add --	
<input type="checkbox"/>	Decision on Petition Received		Completed	Date Mailed : 12/12/2007	Date Received : 01/15/2008		Edit	-- Add --	
<input type="checkbox"/>	Petition To Withdraw Holding Of Abandonment		Completed	Date Entered : 11/08/2007			Edit	-- Add --	
<input type="checkbox"/>	Notice of Abandonment Received		Completed	Date Received : 10/30/2007	Date Mailed : 05/18/2007		Edit	-- Add --	
<input type="checkbox"/>	Change of Corresponding Address		Completed	Date Entered : 07/16/2007			Edit	-- Add --	
<input type="checkbox"/>	Notice of Publication Received		Completed	Date Mailed : 07/21/2005	Date Received : 08/05/2005		Edit	-- Add --	
<input type="checkbox"/>	Original Recorded Assignment Received		Completed	Date mailed : 12/01/2004	Date Received : 12/09/2004		Edit	-- Add --	
<input type="checkbox"/>	Foreign Filing	Per client , FF not required	Completed	Date Sent : 10/15/2004	Date Sent : 10/15/2004		Edit	-- Add --	
<input type="checkbox"/>	Updated Filing Receipt Received		Completed	Date Mailed : 06/22/2004	Date Received : 06/28/2004		Edit	-- Add --	
<input type="checkbox"/>	Assignment		Completed	Date Filed : 06/02/2004	Postcard Received : 06/14/2004		Edit	-- Add --	

<input type="checkbox"/>	<u>Missing Parts Response</u>	Missing Parts Response	Completed	Date Filed : 06/02/2004	Postcard Received : 06/14/2004	    	Edit	-- Add --
<input type="checkbox"/>	<u>Declaration</u>		Completed	Date Filed : 06/02/2004		    	Edit	-- Add --
<input type="checkbox"/>	<u>Power of Attorney Filed</u>		Completed	Date Filed : 06/02/2004		    	Edit	-- Add --
<input type="checkbox"/>	<u>Filing Receipt</u>		Completed	Date Mailed : 04/21/2004	Date Received : 05/10/2004	    	Edit	-- Add --
<input type="checkbox"/>	<u>Missing Parts Action Received</u>		Completed	Date Mailed : 04/21/2004	Date Received : 05/10/2004	    	Edit	-- Add --
<input type="checkbox"/>	<u>Formal Drawings</u>	Formal Drawings	Completed	Date Filed : 01/15/2004		    	Edit	-- Add --
<input type="checkbox"/>	<u>Application Filed</u>		Completed	Date Filed : 01/15/2004	Postcard Received : 01/27/2004	    	Edit	-- Add --
<input type="checkbox"/>	<u>Unsigned Declaration and Power of Attorney</u>		Completed	Date Filed : 01/15/2004		    	Edit	-- Add --

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Global IP Services PLLC
198F 27th Cross 3rd Block Jayanagar
Bangalore 56001-1 IN INDIA

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OFFICE OF PETITIONS

In re Application of	:	
Raman et al.	:	
Application No.: 10/758689	:	DECISION ON
Filing or 371(c) Date: 01/15/2004	:	PETITION
Attorney Docket Number: 1864.004US1	:	

This is a decision in response to the "Renewed Petition Under 37 CFR 1.181 to Withdraw Holding of Abandonment," filed February 7, 2008.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action. Mailed November 3, 2006. The Notices set a three (3) month period for reply. No reply having been received, the application became abandoned February 4, 2007. A Notice of Abandonment was mailed May 18, 2007.

November 9, 2007 Petition under 37 CFR 1.181

Applicant files the present petition and requests withdrawal of the holding of abandonment because the "Notice, mailed March 11, 2006 was not received." Applicant states that a search of the file jacket and docket records indicates that the Office communication was not received. Applicant also files a copy of the docket record where the non-received Office [communication] would have been entered had it been received.

December 14, 2007 Decision dismissing petition

A Decision dismissing the petition was mailed December 14, 2007. The Decision noted that a review of Office records revealed that the Office action, mailed November 3, 2006 was mailed to a correspondence address of record. Office records further revealed that the Office action was returned as undeliverable to this Office by the United States Post Office on November 6, 2006.

Finally, Office records revealed that a Change of Correspondence Address was filed on July 13, 2007.

In view of the above, it was unclear as to exactly when the correspondence address change was effectuated, and as such, there existed circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail.

The petition was dismissed without prejudice. Applicant was advised to file a request for reconsideration of petition and include a statement as to when the correspondence address change was effectuated.

The present renewed petition

Applicant files the present renewed petition and includes a statement that a search of the file jacket and docket records indicates that the Office action was not received. Applicant also includes copies of the docket record.

Applicant has not provided any information as to when the change of address actually occurred.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133). To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

MPEP 711.03(c)

Analysis

As stated above, Office records reveal that the Office action, mailed November 3, 2006 was mailed to a correspondence address of record. Office records further reveal that the Office action was returned as undeliverable to this Office by the United States Post Office (USPS) on November 6, 2006. Office records also reveal that a Notice of Abandonment was mailed on May 18, 2007, and was also returned as undeliverable by the USPS on May 29, 2007. Thereafter, Applicant filed a Change of Correspondence Address on July 13, 2007.

In view of the fact that both the Office action and the Notice of Abandonment were returned as undeliverable by the USPS, and thereafter Applicant filed a change of correspondence, there are circumstances that point to a conclusion that nonreceipt of the Office action was due to Applicant's failure to timely file a change of correspondence address as required by 37 CFR 11.11.

Where an attorney or agent of record (or applicant, if he or she is prosecuting the application pro se) changes his or her correspondence address, he or she is responsible for promptly notifying the U.S. Patent and Trademark Office of the new correspondence address (including ZIP Code). See 37 CFR 11.11.

In this instance, Applicant has failed to state that the Office action was not received at the correspondence address of record. Moreover, Applicant has failed to state, as requested in the Decision dismissing the November 9, 2007 petition, when the correspondence address change was effectuated.

Applicant should file a renewed petition and state, over his registration number, when the address of Applicants changed. Applicant must demonstrate that the correspondence address was correct at the time the Office action was mailed.

After a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner. Therefore, it is extremely important that petitioner supply any and all relevant information and documentation with his request for reconsideration. The Director's decision will be based solely on the administrative record in existence.

Alternate venue

Applicant is strongly urged to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).


Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this petition Decision should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Attorney
Office of Petitions